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Judge Barry S. Schermer: A Teacher of Law and of Life

Emily K. Cohen^{*}

When I started law school, I did not know that my path would begin toward many years of lessons from a great mentor. Had you asked me then whether I was interested in exploring the world of bankruptcy law, I might have hesitated before responding. Why the change of heart? I had no knowledge about two things: the teachings of Judge Schermer and what the area of bankruptcy law really involved.

I met Professor Keating during the second semester of my first year in law school, when I enrolled in his course on Articles 2 and 2A of the Uniform Commercial Code. Months after I finished marveling over Professor Keating's ability to identify each student by name without assigned seating, I approached him to discuss my path of course work. I liked Professor Keating, his teaching style, and I liked statutes, so I asked for suggestions of more classes to take like his.

Fast forward to my experience in Judge Schermer's Fundamentals of Bankruptcy class — a class that came highly recommended. Judge Schermer was great! He was engaging and he used a logical and methodical style of presenting information. Who cared if he didn't know anyone's real name? He presented bankruptcy law in an exciting (and often entertaining) way. As a bonus, he brought bagels for the class. I was sold. His class was even worth arriving to school at 7:00 a.m. I later learned that he arrived well before that time each week for one final review of the materials for class. One could easily tell Judge Schermer loved to teach. And, he had a gift for it. I quickly secured a spot in his Chapter 11 writing seminar for the following semester. My observation of Judge Schermer's interactions with the students and his fellow professors at the seminar solidified my admiration of him. He continually engaged the students, and he had fun while doing it. I couldn't wait from week to week to find out what would happen to the mock Chapter 11 debtor used by Judge Schermer and his co-professors as a tool for teaching the class.

When I graduated from law school with a position as Judge Schermer's law clerk, I knew that I was fortunate. Little did I know how fortunate I

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was, as Judge Schermer would stick by my side as my mentor, advisor, and friend for years to follow.

I. LIFE-LONG TEACHER

I considered (and still consider) myself fortunate to have begun my career as Judge Schermer's term law clerk for the year after I graduated from law school. Before I entered the "real world" of law practice, he provided me with a strong foundation of legal knowledge and, more importantly, practical life lessons. When I returned eight years later as his career law clerk, Judge Schermer remained committed to educating me in the law and in life.

Judge Schermer has a consistent approach to working with and teaching others. He follows a team-centered method, treating each person as an individual who adds value to the group as a whole. He trusts others and their abilities, and he supports and remains dedicated to his team. This is not confined to the team of individuals who work for him at the court. He also provides each attorney who appears before him (or teaches with him) with the opportunity to add value and to excel. He treats his former students, interns and law clerks similarly. This does not end when one is no longer a formal student or employee working for him. In addition to trusting, appreciating, supporting, and dedicating himself to others, Judge Schermer's approach is both practical and efficient. In and out of the courtroom, he shows that often less is more. All parties are entitled to prompt decisions from the court. He also teaches others to work hard and give it their all, but to not forget to play hard too.

I divide Judge Schermer's teachings into legal lessons and life lessons, further described below.

A. Legal Lessons

Judge Schermer trains me in critical thinking, speaking, and writing. He does this while maintaining a collegial (and often fun) environment involving trust, appreciation, support, and dedication. I thank him.

He teaches me not only about sophisticated legal analysis, but also about the importance of effective written and oral communication. It is essential to organize one's thoughts. When communicating, often less is more: you can be the smartest person in the room, but if no one can understand you, it doesn't count. For example, when writing as or for a

court, Judge Schermer teaches to identify things with names that make sense. Use only the details (such as dates and numbers) that are necessary. Through Judge Schermer, I have learned to appreciate the importance of balancing the description of details with the painting of the “big picture.” He also taught me to first read materials independently and then discuss them with someone else. Have a partner in your work and trust that partner. I am fortunate to have Judge Schermer to collaborate with and guide me in our work.

Judge Schermer counsels me on making oral communications effective. When speaking, make concepts memorable. Be practical and efficient. Everyone is busy, so make each person’s time count and let him walk away with lessons he will remember. Anyone who has attended Judge Schermer’s classes or seminars has seen his creative use of comics, photos and the occasional video clip. Even a catchy phrase can engage a seminar crowd. Before my clerkship, I had no idea that one could draw such wisdom from the film *My Cousin Vinny*!¹

Judge Schermer’s “less-is-more” principle also extends to communications in general (especially when communicating with him). For example, I learned quickly that a voice message left for Judge Schermer must last no more than five seconds. Anything said after that time doesn’t count. I also learned that if I do not use the name assigned by Judge Schermer for a case (rather than the *actual* name of the case), I should not expect him to understand the information I report. For example, for the case analyzing the applicability of the Missouri mobile home exemption to a debtor’s horse trailer, don’t refer to the debtor’s last name — instead, refer to the horse trailer case!

The Judge has an uncanny ability while performing legal analysis to sort through unnecessary facts and focus on only those that are important. This is reflected in his less-is-more approach. He teaches practitioners how to get to the heart of cases without causing the parties to incur unnecessary expenses or to waste time. He advises me regularly on methods that allow a complete analysis without including extraneous information.

Through Judge Schermer’s teachings, I have learned to respect the realities of legal practice. Attorneys work hard to advocate for their clients. The matters before us impact litigants in significant ways. Each party appearing in court wants and deserves a prompt, accurate, and

1. See *MY COUSIN VINNY* (Palo Vista Productions 1992).

comprehensible decision. It is our job to provide one. To make this happen, Judge Schermer stresses the importance of efficiency and the ability to tailor our writing to the particularities of the matter at hand. As Judge Schermer says, a Cadillac case doesn't get a Chevy order, and vice versa.

Judge Schermer respects the hard work of attorneys because that reflects one of the tenets of his teachings. Work hard. Put your best foot forward and take pride in your work product. Provide a prompt work product or other result. His service as a professor at Washington University School of Law exemplifies these lessons. Each school year, I witness the amount of work, time and dedication that he puts into teaching. For each hour of class, he spends many more preparing. As the old saying goes, you only get out of things what you put in. One can only hope that Judge Schermer has been rewarded by his teaching to the extent of his hard work and commitment to his students.

Along with Judge Schermer's "work hard" approach comes the "play hard" balance. Enjoy what you are doing and have fun with it, but also challenge yourself. It is with this attitude and through the use of effective methods of analysis and communication that Judge Schermer exposes many to the exciting world of bankruptcy law. He makes it come to life; he encourages and develops an appreciation for this practice. Before I enrolled in Judge Schermer's Fundamentals of Bankruptcy course, I had no idea how many areas of law come before a bankruptcy judge or practitioner. Now I experience this intersection of practice areas regularly. For example, one morning we might analyze real property issues and that afternoon we might engage in an analysis of employee benefit plans. As a bonus, many of the cases over which Judge Schermer presides include colorful personalities and unusual facts. Who ever thought bankruptcy could be so interesting!

B. Life Lessons

The opportunities afforded to me as Judge Schermer's law clerk reach beyond training in conventional legal skills. He is my mentor and my friend. Many of the most important lessons he teaches me pertain to life more so than the legal field.

Through the many years since I first met Judge Schermer in his Fundamentals of Bankruptcy course, he has served as a source of support and guidance for me. Through all those years, he has remained dedicated

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to helping me navigate matters of law and life. I look to Judge Schermer for guidance concerning things such as social values, professional life, family, and friends. He is always willing to help (and he does so tirelessly) with advice concerning matters related to the law and my career development, and as far removed as home repair.

Judge Schermer's approach to educating one in life lessons mirrors his approach to teaching about the practice of law. Trust, appreciate, support, and remain dedicated to others. Remember that often less is more. Provide prompt responses. Work hard and give it your all, but don't forget to play hard, too.

It is because of Judge Schermer's respect for others that I have opportunities to work with good people and to do sophisticated legal work. He believes in surrounding himself with good people and treating them fairly. He takes the time to get to know the members of the bar and the people who work with him. In sum, he attracts good people because he is one. A quick glimpse of Judge Schermer's time as a bankruptcy judge will show you that.

Judge Schermer takes pride in the Eastern District of Missouri Bankruptcy Bar and the bar in the many places he has served as a visiting judge. I attribute the strength of our bankruptcy bar and the comradery amongst the attorneys in part to him. He invests time to teach the attorneys formally and informally. Each month when Judge Schermer travels to the court's Cape Girardeau divisional office, he attends lunch at a restaurant where all attorneys and their staff are welcome to attend. When he is not offering a formal CLE program, the Judge engages in casual conversation with those in attendance. In doing so, he takes the time to get to know them and he encourages comradery within the bar. Wherever he sits, Judge Schermer speaks directly to the attorneys, telling them what he wants, allowing them latitude to offer unique approaches and encouraging them to excel. Attorneys regularly stay at Judge Schermer's docket after their own cases have been called just to listen to his reasoning on other matters. In addition, Judge Schermer's service as a mediator in various venues reflects yet another way in which he expresses confidence in the ability of the attorneys and parties to work together. He tirelessly (and often sleeplessly) focuses and encourages the parties to help them achieve a practical solution that is beneficial for all involved. In sum, he does whatever it takes to help the parties recognize their ability to work together for a consensual resolution.

It amazes me to see the methods by which Judge Schermer has formed long-lasting friendships with professors with whom he teaches and interacts. In fact, one of his own law school professors is now his close friend. I suspect that these friendships result from a combination of his commitment to always putting his best foot forward and his trust, appreciation, support for and dedication to those with whom he interacts. I was one of many students over the years in Judge Schermer's Chapter 11 seminar to witness the memorable skits for a mock Chapter 11 case, presented by Judge Schermer and fictional characters Harry Hardline and William (don't-call-me-Bill) Gruff, played by his co-professors. These skits stuck with me and helped imprint in my mind the issues and principles involved in a complex Chapter 11 bankruptcy case. Throughout the semester, I felt the tension between Harry Hardline and William Gruff as if it was real. I knew that these skits were crafted by the professors to bring to life the Chapter 11 process. I also knew that the professors enjoyed presenting the skits — after all, who wouldn't love using a plastic cell phone while teaching law school? What I didn't know was that a special long-standing bond, mutual respect, and support is shared amongst the professors. As his law clerk, I have seen him continue these valuable relationships. I have also witnessed the way in which he treats his co-professor in the Fundamentals of Bankruptcy course with respect. His friendships with other professors are yet another example of Judge Schermer surrounding himself with good people because he is one of them.

The names of remarkable people I have met because of Judge Schermer are too numerous to fit in this Article. I would be remiss if I didn't mention one, Judge A. Jay Cristol, who serves as a bankruptcy judge in Miami, Florida. The friendship between Judge Schermer and Judge Cristol serves as an example of the way in which Judge Schermer's respect for others enables him to be surrounded by others who share his values. Selfishly, I appreciate that Judge Schermer's friendship with Judge Cristol also allows me the opportunity to learn of Judge Cristol's great adventures and achievements. As a new law clerk, fresh out of law school, I traveled one week each month with Judge Schermer to Miami, Florida, where he served as a visiting judge. There, I was treated by both Judge Schermer and Judge Cristol as a colleague and friend. I can think of no better way to begin my career as an attorney.

The way Judge Schermer and Judge Cristol treated me reflects the way Judge Schermer treats his team at the court. Everyone is an important

piece who adds value to the whole. He recognizes the specialized skills and knowledge set for each member of his team. Importantly, he acknowledges and appreciates that each of us is an individual with a unique personality. It is no wonder that many impressive members of the “Schermer Team” have been with him for decades. It is also not surprising that his former law clerks and interns continue to enjoy spending time with him and look to him for guidance years after they formally leave their employment. Judge Schermer’s relationships with his court team resemble those commonly reserved for family. He is genuinely interested to hear stories about our families, friends and personal experiences, and he never forgets an important event in any of our lives. The work he assigns to each of us is substantive and necessary, as he does not believe in busy work. He exposes each of us to new ideas and responsibilities and challenges us to perform to our full potentials. We are fortunate to spend each day as a part of this work family.

Judge Schermer’s approach of trusting, supporting, appreciating, and remaining dedicated to others extends to interns and law clerks who work in his chambers. Each is treated fairly and respected. Upon commencing employment, every intern or law clerk is assigned a respectable name that Judge Schermer can remember, such as “Canada Boy” or “Intern Girl.” The judge works directly with them. He includes each intern or law clerk in our discussions of substantive legal issues, regardless of whether the discussion pertains to a case assigned to that person. He assigns to interns and law clerks substantive work that is useful and beneficial. Judge Schermer is humble, allowing his interns and law clerks to feel needed and to share with him their expertise on matters for which (we pretend) he is already well versed, such as computer programs. He provides the interns and law clerks with practical opportunities that go beyond learning about the law. He is also willing to give real-world advice about starting out after law school or a clerkship. His advice is not limited to that pertaining to career development. He goes “above and beyond” by sharing his thoughts on matters such as how to rent an apartment, what to eat for lunch and what sport to play! Judge Schermer genuinely cares about getting to know his interns and law clerks as individuals. Due to his investment in them, when they leave, they are better prepared to enter the world of law practice. At the end of their tenure, former interns and law clerks never truly leave Judge Schermer’s chambers: after experiencing his commitment to them, each continues to look to him as a mentor. I see

how he enjoys watching each of them succeed. I believe he may even know some of their real names!

One of the things I admire most about Judge Schermer is his ability to sort through the unnecessary to focus on what is truly important. This is reflected in his less-is-more approach. This principle is equally as important to regular life as it is to his teachings of the law. He has taught me to focus on those people who are truly important. Make time for friends and family. Enjoy their small successes and your own. Bigger is not always better. Be satisfied with what you have. Simple is often more enjoyable than fancy. As Judge Schermer says, go for the diner instead of the white tablecloth restaurant.

By example, Judge Schermer teaches the lesson of providing prompt responses to others. Complete any matter at hand efficiently and promptly. This concept is reflected in his lesson to always be on time. As a new law clerk, I learned (the embarrassing way) that “Schermer Time” operates at least five minutes ahead of conventional time: if you are on time, you are late. I didn’t repeat that mistake! Once I realized that Judge Schermer starts his day hours before the rest of the population, this all made sense. I believe that he is often the first in the building to greet the court security officers in the morning!

Returning to Judge Schermer’s work hard and play hard approach, he advises all of the following: apply yourself fully to the opportunities and experiences you have; do the best you can at whatever task is at hand; when you reach a hurdle, stick with your efforts; give it your “A game”; make time to enjoy your opportunities and the people associated with them; have fun; learn a little something extra along the way; try new things. As an extension of his play hard approach, Judge Schermer takes the time to share with the members of his court team his knowledge concerning non-legal topics. For example, what other law clerk could say that as a part of her job she learned from her boss about the inner workings of airplanes! In addition, my newfound knowledge of baseball facts and figures (thanks to Judge Schermer) proves to be useful in everyday conversation. If the members of the “Schermer Team” are fortunate, our opportunity to explore and learn may even include a field trip. In such events, however, each of us must remember to always be up to date on historical and current events, as Judge Schermer frequently provides impromptu quizzes. We appreciate that Judge Schermer enjoys exploring and sharing his knowledge with us.

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Finally, I must mention an exception to Judge Schermer's less-is-more rule: the sole exception is Judge Schermer's approach to teaching his interns, law clerks, and staff life lessons we did not realize we needed to learn. His lessons are numerous. I detail below some of the most important lessons (like me, I suspect that you also never realized the importance of these):

- The screen at the airport announcing arriving and departing flights is actually called the "scoreboard."
- Have an ice cream dinner every once in a while.
- Listen to all sports radio.
- Blue pens are actually called "bluies."
- Any trip to the mall that lasts more than half an hour is inefficient.
- Find the best barbecue restaurant you can wherever you travel (including Boston).
- Everyone has a name (I guess I taught him that one).

Thank you, Judge Schermer, for everything you do.